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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 23

Application Number: 09/208,998

Filing Date: December 11, 1998

Appellant(s): Ganesan et al.

Alfred A. Stadnicki, Reg. No. 30,226
For Appellant

EXAMINER'S ANSWER

This is in response to Appellant's brief on appeal filed August 26, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement indicating that there are no related appeals and interferences is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

Claims 1-31 and 34 are pending and under appeal.

(4) *Status of Amendments After Final*

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The Appellant's statement of the issues in the brief is correct.

Application Number: 09/208,998 EXAMINER'S ANSWER
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(7) *Grouping of Claims*

AGREEMENT WITH APPELLANT'S STATEMENT OF GROUPING OF CLAIMS

Appellant's statement of the grouping of the claims is acknowledged; however, contrary to 37 CFR 1.192(c)(7) and (c)(8), Appellant's brief fails to provide in the arguments the reasons for the grouping of the claims.

(8) *Claims Appealed*

COPY OF THE APPEALED CLAIMS IN APPENDIX IS CORRECT

A correct copy of the appealed claims appears in Appellant's brief on Appendix pages 50-60.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Number	Name	Date	File Date
US 5,931,917	Nguyen et al.	August 3, 1999	September 26, 1998
US 5,557,518	Rosen	September 17, 1996	April 28, 1994

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

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Claims 1-31 & 34 stand rejected under 35 U.S.C. 103(a). These rejections are set forth in prior Office Action, Final Rejection Paper No. 16, filed 02/25/2002, as follows:

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Independent claims 1, 9, 18, 21, 24 & 31 and dependent claim 2-8, 10-17, 20, 22-23, 25-30 & 34, are rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen et al.

5,931,917 (08/03/1999) [US f/d: 09/26/1998] (herein referred to as "Nguyen") in view of Rosen 5,557,518 (09/17/1996) (herein referred to as "Rosen'518").

As per claim 1, Nguyen (col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest:

"A method for conducting cashless transactions, comprising the steps of: receiving, at a first network device associated with a seller, information identifying a product intended to be purchased at a purchase price by a purchaser, the purchase price to be paid by a transfer to the seller of funds on deposit in or credited to an account of the purchaser . . . transmitting over a network, to a second network device associated with a financial institute at which the purchaser account is maintained, an authorization of the purchaser to pay the purchase price for the identified product through the transfer to the seller of the funds from the purchase account; determining if the funds in the purchaser account are sufficient with respect to the purchase price; and transmitting over the network, from the second network device to the first network device, an authorization of

the financial institute for the seller to proceed with delivery of the identified product, the authorization being transmitted only if the funds are determined to be sufficient.”

Nguyen does not explicitly show “the identity of the purchaser account being unknown to the seller. . . .”

Rosen’518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) discloses:

“Payment may be made in one of two alternative forms: by anonymous payment using a money module . . . or by authorization-based payment (requiring identification of the customer) using a credit card or debit card credential.”

Rosen’518 proposes “anonymous” transaction modifications that would have applied to the electronic commerce teachings of Nguyen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Rosen’518 to Nguyen, because it would have been obvious that the disclosure of Rosen’518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) which discloses: *“Payment may be made in one of two alternative forms: by anonymous payment using a money module. . . .”* would have been selected in accordance with “the identity of the purchaser account being unknown to the seller. . . .” and because such modifications would have provided *“a system which will allow customers to buy electronic merchandise or services on demand. . . .”* (See Rosen’518 (col. 1, ll. 60-63)).

As per claim 2, Nguyen in view of Rosen'518 shows the method of claim 1. (See the rejection of claim 1 supra).

Nguyen (FIG. 34) shows elements that suggest "transmitting over the network . . . the information identifying the product intended to be purchased."

Nguyen lacks an explicit recital of "transmitting over the network, from a third network device associated with the purchaser to the first network site, the information identifying the product intended to be purchased."

Rosen'518 (FIG. 5; and FIG. 43A) shows elements that suggest "transmitting over the network, from a third network device associated with the purchaser to the first network site, the information identifying the product intended to be purchased."

Rosen'518 proposes network device transmission modifications that would have applied to the electronic commerce teachings of Nguyen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Rosen'518 to Nguyen, because such modifications would have provided "*a system which will allow customers to buy electronic merchandise or services on demand. . . .*" (See Rosen'518 (col. 1, ll. 60-63)).

As per claim 3, Nguyen in view of Rosen'518 shows the method of claim 2. (See the rejection of claim 2 supra).

Nguyen (col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "wherein the information is first information and the transmitted first information further identifies the purchaser and that the payment of the purchase price will be by the transfer of the funds from the purchaser account . . . to the seller, and further comprising the steps of: transmitting over the network, from the first network device to the third network device, second information identifying a plurality of products available for purchase, a plurality of purchase prices each associated with a respective one of the plurality of products, and a plurality of payment options including payment by the transfer to the seller of the funds and payment by at least one of credit card . . . selecting, at the third network device . . . the product to be purchased from the plurality of products and . . . the payment of the purchase price by the transfer of the funds form the plurality of payment options; and transmitting over the network, from [sic] and the third network device to the second network device, third information identifying the product to be purchased, the purchase price of the product, and the purchaser."

Nguyen lacks an explicit recital of "the purchaser account unknown to the seller. . . ."

Nguyen lacks an explicit recital of "at least one of a debit card. . . ."

Rosen'518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) discloses:

"Payment may be made in one of two alternative forms: by anonymous payment using a money module . . . or by authorization-based payment (requiring identification of the customer) using a credit card or debit card credential."

Rosen'518 proposes "anonymous" transaction modifications and debit card modifications that would have applied to the electronic commerce teachings of Nguyen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Rosen'518 to Nguyen, because it would have been obvious that the disclosure of Rosen'518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) which discloses: *"Payment may be made in one of two alternative forms: by anonymous payment using a money module. . . ."* would have been selected in accordance with "the purchaser account unknown to the seller. . . ." and because such modifications would have provided *"a system which will allow customers to buy electronic merchandise or services on demand. . . ."* (See Rosen'518 (col. 1, ll. 60-63)).

As per claim 4, Nguyen in view of Rosen'518 shows the method of claim 3. (See the rejection of claim 3 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "the authorization of the purchaser is transmitted from the third network device to the second network device."

Nguyen lacks an explicit recital of "the authorization of the purchaser is transmitted from the third network device to the second network device." It would have been obvious that the disclosure of Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with "the authorization of the purchaser is transmitted from the third network device to the second network device. . . ." because such selection would have provided "[secure] transmission of data

. . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 5, Nguyen in view of Rosen'518 shows the method of claim 3. (See the rejection of claim 3 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “the third information is transmitted responsive only to the selecting the payment of the purchase price by the transfer of the funds. . . .”; however,

Nguyen lacks an explicit recital of “the third information is transmitted responsive only to the selecting the payment of the purchase price by the transfer of the funds.” It would have been obvious that the disclosure of Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll.

4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “the third information is transmitted responsive only to the selecting the payment of the purchase price by the transfer of the funds. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 6, Nguyen in view of Rosen'518 shows the method of claim 3. (See the rejection of claim 3 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “automatically establishing a hyperlink to the second network device for transmission of the third information after the selecting of payment of the purchase price by the transfer of the funds. . . .”; however,

Nguyen lacks an explicit recital of “automatically establishing a hyperlink to the second network device for transmission of the third information after the selecting of payment of the purchase price by the transfer of the funds.” It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “automatically establishing a hyperlink to the second network device for transmission of the third information after the selecting of payment of the purchase price by the transfer of the funds. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 7, Nguyen in view of Rosen'518 shows the method of claim 3. (See the rejection of claim 3 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19;

FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “transmitting over the network, from the first network device to the second network device, a notice of delivery of the identified product to the purchaser; and directing the transfer of the funds to the seller responsive to receipt of the notice of delivery at the second network device. . . .”; however,

Nguyen lacks an explicit recital of “transmitting over the network, from the first network device to the second network device, a notice of delivery of the identified product to the purchaser; and directing the transfer of the funds to the seller responsive to receipt of the notice of delivery at the second network device.” It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “transmitting over the network, from the first network device

to the second network device, a notice of delivery of the identified product to the purchaser; and directing the transfer of the funds to the seller responsive to receipt of the notice of delivery at the second network device. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 8, Nguyen in view of Rosen’518 shows the method of claim 1. (See the rejection of claim 1 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “the method is performed in real time and the network is the Internet. . . .”; however,

Nguyen lacks an explicit recital of “the method is performed in real time and the network is the Internet.” It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG.

4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “the method is performed in real time and the network is the Internet. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

Claim 9 is rejected for substantially the same reasons as claim 1.

Claim 10 is rejected for substantially the same reasons as claim 2.

Claim 11 is rejected for substantially the same reasons as claim 3.

Claim 12 is rejected for substantially the same reasons as claim 4.

As per claim 13, Nguyen in view of Rosen'518 shows the method of claim 11.

(See the rejection of claim 11 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "the third network device includes an input device for receiving the first input and the second input. . . .; however,

Nguyen lacks an explicit recital of "the third network device includes an input device for receiving the first input and the second input." It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with "the third network device includes an input device for receiving the first input and the

second input. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 14, Nguyen in view of Rosen’518 shows the method of claim 11. (See the rejection of claim 11 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “the third network device is further configured to transmit, to the second network device via the network, the third information responsive only to receiving the second input. . . .”; however,

Nguyen lacks an explicit recital of “the third network device is further configured to transmit, to the second network device via the network, the third information responsive only to receiving the second input.” It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B;

FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “the third network device is further configured to transmit, to the second network device via the network, the third information responsive only to receiving the second input. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 15, Nguyen in view of Rosen'518 shows the method of claim 11.
(See the rejection of claim 11 supra).

Nguyen (FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “the third network device is further configured to automatically

establish a hyperlink to the second network device via the network for transmission of the third information responsive to receipt of the second input. . . .”; however,

Nguyen lacks an explicit recital of “the third network device is further configured to automatically establish a hyperlink to the second network device via the network for transmission of the third information. . . .” It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “the third network device is further configured to automatically establish a hyperlink to the second network device via the network for transmission of the third information. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E;

FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “the third information responsive to receipt of the second input. . . .” because such selection would have provided “[*secure*] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

Claim 16 is rejected for substantially the same reasons as claim 7.

Claim 17 is rejected for substantially the same reasons as claim 8.

As per claim 18, Nguyen (col. 2, ll. 56-67; FIG. 22; FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that

suggest: "An article of manufacture for conducting cashless transactions over a network having a plurality of network stations, comprising: a computer readable storage medium; and computer programming stored on the storage medium, wherein the stored computer programming is configured to be readable from the computer readable storage medium by a computer and thereby cause the computer to operate so as to: generate a signal to establish a first network communications link, with a first network station associated with a seller; receive from the first network station, via the first network communications link, first information identifying a plurality of products available for purchase from the seller, a plurality of purchase prices each associated with a respective one of the plurality of products, and a plurality of payment options including payment of the purchase price by a transfer to the seller of funds from an account of a purchaser and payment by at least one of credit card . . . display the first information; receive first inputs from the purchaser selecting a product from the plurality of products and a payment of the purchase price by the transfer of the funds from the plurality of payment options; automatically generate, responsive only to the selection of the payment of the purchase price by the transfer of the funds, a signal to establish a second network communications link with a second network station associated with a financial institute with which the account is maintained; transmit to the first network station, via the first network communications link, second information identifying the selected product, and the identity of the purchaser . . . transmit to the second network station, via the second network communications link, third information

identifying the selected product, the purchase price of the selected product, and the identity of the purchaser; receive from the second network station, via the second network communications link, a request to approve payment of the purchase price by the transfer by the financial institute to the seller of the funds; receive second inputs from the purchaser approving payment of the purchase price for the selected product by the transfer by the financial institute to the seller of the funds; transmit to the second network station, via the second network communications link, fourth information representing the purchaser approval of the payment of the purchase price for the selected product by the transfer by the financial institute to the seller of the funds; and receive, via the second network communications link, fifth information representing an account statement indicating that the funds have been transferred from the account by the financial institute to the seller in payment of the purchase price of the selected product; and display the fifth information.”

Nguyen lacks an explicit recital of “at least one of a debit card. . . .”

Nguyen lacks an explicit recital of “*without identifying the account. . . .*”

Rosen’518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) discloses:

“Payment may be made in one of two alternative forms: by anonymous payment using a money module . . . or by authorization-based payment (requiring identification of the customer) using a credit card or debit card credential.”

Rosen'518 proposes "anonymous" transaction modifications and debit card modifications that would have applied to the electronic commerce teachings of Nguyen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Rosen'518 to Nguyen, because it would have been obvious that the disclosure of Rosen'518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) which discloses: "*Payment may be made in one of two alternative forms: by anonymous payment using a money module. . . .*" would have been selected in accordance with "*without identifying the account. . . .*" and because such modifications would have provided "*a system which will allow customers to buy electronic merchandise or services on demand. . . .*" (See Rosen'518 (col. 1, ll. 60-63)).

As per claim 19, Nguyen in view of Rosen'518 shows the method of claim 18. (See the rejection of claim 18 supra).

Nguyen (FIG. 22; FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "each of the

network communication links is an Internet communication link and the second network communications link is established by a hyperlink. . . .”; however,

Nguyen lacks an explicit recital of “each of the network communication links is an Internet communication link and the second network communications link is established by a hyperlink.” It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “each of the network communication links is an Internet communication link and the second network communications link is established by a hyperlink. . . .” because such selection would have provided “[secure] transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 20, Nguyen in view of Rosen'518 shows the method of claim 18.

(See the rejection of claim 18 supra).

Nguyen (col. 2, ll. 56-67; col. 3, ll. 10-45; and col. 4, ll. 10-40) shows elements that suggest "wherein the first network communications link is a relatively unsecure communication link and the second network communications link is a relatively secure communications link."

Nguyen lacks an explicit recital of "wherein the first network communications link is a relatively unsecure communication link and the second network communications link is a relatively secure communications link. . . ."; however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (col. 2, ll. 56-67; col. 3, ll. 10-45; and col. 4, ll. 10-40) would have been selected in accordance with "wherein the first network communications link is a relatively unsecure communication link and the second network communications link is a relatively secure communications link. . . ." because such selection would have provided means for *"transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet."* (See Nguyen (the ABSTRACT)).

As per claim 21, Nguyen (col. 2, ll. 56-67; FIG. 22; FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG.

20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "An article of manufacture for conducting cashless transactions over a network having a plurality of network stations, comprising: a computer readable storage medium; and computer programming stored on the storage medium, wherein the stored computer programming is configured to be readable from the computer readable storage medium by a computer and thereby cause the computer to operate so as to: receive, via the network, information identifying a product, a purchase price of the product, an identity of a seller of the product, and an identity of a purchaser intending to purchase the product by payment of the purchase price through a transfer by a financial institute to the seller of funds from an account of the purchaser maintained with the financial institute . . . transmit to a first network station, via the network, a request for purchaser approval of the payment of the purchase price through the transfer by the financial institute to the seller of the funds; receive from the first network station, via the network, the purchaser approval of the payment; determine if the funds are sufficient with respect to the purchase price; and transmit to a second network station, via the network, an authorization of the financial institute to proceed with a sale to the purchaser of the product after the funds are determined to be sufficient and the purchaser approval is received; transmit a direction to

transfer the funds in payment of the purchase price of the product; and transmit to the first network station, via the network, an account statement indicating the funds have been transferred in payment of the purchase price of the product.”

Nguyen lacks an explicit recital of “the account being unidentified to the seller. . . .”

Rosen’518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) discloses:

“Payment may be made in one of two alternative forms: by anonymous payment using a money module . . . or by authorization-based payment (requiring identification of the customer) using a credit card or debit card credential.”

Rosen’518 proposes “anonymous” transaction modifications and debit card modifications that would have applied to the electronic commerce teachings of Nguyen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Rosen’518 to Nguyen, because it would have been obvious that the disclosure of Rosen’518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) which discloses: *“Payment may be made in one of two alternative forms: by anonymous payment using a money module. . . .”* would have been selected in accordance with *“without identifying the account. . . .”* and because such modifications would have provided *“a system which will allow customers to buy electronic merchandise or services on demand. . . .”* (See Rosen’518 (col. 1, ll. 60-63)).

As per claim 22, Nguyen in view of Rosen'518 shows the method of claim 21.

(See the rejection of claim 21 supra).

Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "wherein the network is the Internet. . . ."; however,

Nguyen lacks an explicit recital of "wherein the network is the Internet." It would have been obvious that the disclosure of Nguyen (FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with "wherein the network is the Internet. . . ." because such selection would have provided "[secure] transmission of data . . . between a plurality of

computer systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 23, Nguyen in view of Rosen'518 shows the method of claim 21.
(See the rejection of claim 21 supra).

Nguyen (col. 2, ll. 56-67; col. 3, ll. 10-45; and col. 4, ll. 10-40) shows elements that suggest “wherein communications transmitted to and received from the first network station via the network are relatively secure communications and communications transmitted to and received from the second network station via the network are relatively unsecure communications.”

Nguyen lacks an explicit recital of “wherein communications transmitted to and received from the first network station via the network are relatively secure communications and communications transmitted to and received from the second network station via the network are relatively unsecure communications. . . .”; however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (col. 2, ll. 56-67; col. 3, ll. 10-45; and col. 4, ll. 10-40) would have been selected in accordance with “wherein communications transmitted to and received from the first network station via the network are relatively secure communications and communications transmitted to and received from the second network station via the network are relatively unsecure communications. . . .” because

such selection would have provided means for "*transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.*" (See Nguyen (the ABSTRACT)).

As per claim 24, Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "A method for conducting cashless transactions, comprising: transmitting, from a first network device representing a seller to a second network device representing a purchaser, information identifying a product available for purchase, a purchase price of the product, and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment; selecting one of the plurality of payment options at the second network device; transmitting, from the second network device to a third network device representing a financial institute, the information identifying the product to be purchased and the purchase price of the product, only if the payment of the purchase price by the first form

of payment is selected; and transmitting, from the third network device, an authorization of the financial institute for the seller to proceed with delivery of the identified product to the purchaser, responsive to the information transmitted from the second network device to the third network device.”

Nguyen lacks an explicit recital of: “A method for conducting cashless transactions, comprising: transmitting, from a first network device representing a seller to a second network device representing a purchaser, information identifying a product available for purchase, a purchase price of the product, and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment; selecting one of the plurality of payment options at the second network device; transmitting, from the second network device to a third network device representing a financial institute, the information identifying the product to be purchased and the purchase price of the product, only if the payment of the purchase price by the first form of payment is selected; and transmitting, from the third network device, an authorization of the financial institute for the seller to proceed with delivery of the identified product to the purchaser, responsive to the information transmitted from the second network device to the third network device.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9;

FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “A method for conducting cashless transactions, comprising: transmitting, from a first network device representing a seller to a second network device representing a purchaser, information identifying a product available for purchase, a purchase price of the product, and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment; selecting one of the plurality of payment options at the second network device; transmitting, from the second network device to a third network device representing a financial institute, the information identifying the product to be purchased and the purchase price of the product, only if the payment of the purchase price by the first form of payment is selected; and transmitting, from the third network device, an authorization of the financial institute for the seller to proceed with delivery of the identified product to the purchaser, responsive to the information transmitted from the second network device to the third network device. . . .” because such selection would have provided means for “*transmission of data . . . between a plurality of computer*

systems over a public communication system, such as the Internet.” (See Nguyen (the ABSTRACT)).

As per claim 25, Nguyen in view of Rosen'518 shows the method of claim 24.
(See the rejection of claim 24 supra).

Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “wherein the authorization of the financial institute is transmitted from the third network device to the first network device.”

Nguyen lacks an explicit recital of “wherein the authorization of the financial institute is transmitted from the third network device to the first network device. . . .”; however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG.

50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “wherein the authorization of the financial institute is transmitted from the third network device to the first network device. . . .” because such selection would have provided means for “*transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.*” (See Nguyen (the ABSTRACT)).

As per claim 26, Nguyen in view of Rosen'518 shows the method of claim 25. (See the rejection of claim 25 supra).

Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “transmitting, from the third network device to the first network, the information identifying the product to be purchased and

the purchase price of the product in conjunction with the transmission of the authorization of the financial institute.”

Nguyen lacks an explicit recital of “transmitting, from the third network device to the first network, the information identifying the product to be purchased and the purchase price of the product in conjunction with the transmission of the authorization of the financial institute. . . .”; however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “transmitting, from the third network device to the first network, the information identifying the product to be purchased and the purchase price of the product in conjunction with the transmission of the authorization of the financial institute. . . .” because such selection would have provided means for “*transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.*” (See Nguyen (the ABSTRACT)).

As per claim 27, Nguyen in view of Rosen'518 shows the method of claim 24.

(See the rejection of claim 24 supra).

Nguyen (col. 2, ll. 56-67; FIG. 22; FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "wherein the first form of payment is a transfer of funds on deposit in or credited to an account of the purchaser, the identity of the account being unknown to the seller, and further comprising: transmitting, from the third network device, an instruction to transfer the funds from the account to the seller in payment of the identified purchase price for the identified product."

Nguyen lacks an explicit recital of "the identity of the account being unknown to the seller. . . ."

Rosen'518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) discloses:

"Payment may be made in one of two alternative forms: by anonymous payment using a money module . . . or by authorization-based payment (requiring identification of the customer) using a credit card or debit card credential."

Rosen'518 proposes "anonymous" transaction modifications and debit card modifications that would have applied to the electronic commerce teachings of Nguyen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Rosen'518 to Nguyen, because it would have been obvious that the disclosure of Rosen'518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) which discloses: "*Payment may be made in one of two alternative forms: by anonymous payment using a money module. . . .*" would have been selected in accordance with "the identity of the account being unknown to the seller. . . ." and because such modifications would have provided "*a system which will allow customers to buy electronic merchandise or services on demand. . . .*" (See Rosen'518 (col. 1, ll. 60-63)).

As per claim 28, Nguyen in view of Rosen'518 shows the method of claim 27. (See the rejection of claim 27 supra).

Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67;

and col. 88, ll. 7-47) shows elements that suggest: “wherein the account is maintained by the financial institute.”

Nguyen lacks an explicit recital of “wherein the account is maintained by the financial institute. . . .”; however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “wherein the account is maintained by the financial institute. . . .” because said financial institution would have had “*the responsibility of providing payment on behalf of the customer. . . .*” (See Nguyen (col. 2, ll. 48-50)).

As per claim 29, Nguyen in view of Rosen'518 shows the method of claim 24. (See the rejection of claim 24 supra).

Nguyen (col. 2, ll. 45-55; FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A;

FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “wherein the second form of payment is one of payment by credit card and payment by debit card.”

Nguyen lacks an explicit recital of “wherein the second form of payment is one of payment by credit card and payment by debit card. . . .”; however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (col. 2, ll. 45-55; FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 56-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with the disclosure of Nguyen (col. 2, ll. 45-55) because said financial institution would have had “the responsibility of providing payment on behalf of the customer. . . .” (See Nguyen (col. 2, ll. 48-50)).

As per claim 30, Nguyen in view of Rosen'518 shows the method of claim 24.

(See the rejection of claim 24 supra).

Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 45-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "transmitting from the second network device to the first network device, the information identifying the product to be purchased, the purchase price of the product, and the second form of payment, if the payment of the purchase price by the second form of payment is selected."

Nguyen lacks an explicit recital of "transmitting from the second network device to the first network device, the information identifying the product to be purchased, the purchase price of the product, and the second form of payment, if the payment of the purchase price by the second form of payment is selected. . . ."; however, it would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; col. 2, ll. 45-67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG.

20B; FIG. 27; FIG. 28; FIG. 34; FIG. 35; FIG. 37; FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have been selected in accordance with “transmitting from the second network device to the first network device, the information identifying the product to be purchased, the purchase price of the product, and the second form of payment, if the payment of the purchase price by the second form of payment is selected. . . .” because such selection would have provided means for “*transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.*” (See Nguyen (the ABSTRACT)).

As per claim 31, Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: “A system for conducting cashless transactions over [sic] network, comprising: a first network device representing a seller configured to transmit information identifying a

product available for purchase, a purchase price of the product, and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment; a second network device representing a purchaser configured to receive the transmitted information, to select one of the plurality of payment options, and to transmit a first message only if the first form of payment is selected as the one payment option and a second message only if the second form of payment is selected as the one payment option; and a third network device representing a financial institute; wherein the first message is transmitted to the third network device and includes information identifying the product to be purchased and the purchase price of the product; wherein the second message is transmitted to the first network device and includes information identifying the product to be purchased, the purchase price of the product, and the selected second form of payment; wherein the third network device is further configured to transmit an authorization of the financial institute for the seller to proceed with delivery of the identified product to the purchaser, responsive to the transmitted first message.”

Nguyen lacks an explicit recital of: “A system for conducting cashless transactions over [sic] network, comprising: a first network device representing a seller configured to transmit information identifying a product available for purchase, a purchase price of the product, and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment; a

second network device representing a purchaser configured to receive the transmitted information, to select one of the plurality of payment options, and to transmit a first message only if the first form of payment is selected as the one payment option and a second message only if the second form of payment is selected as the one payment option; and a third network device representing a financial institute; wherein the first message is transmitted to the third network device and includes information identifying the product to be purchased and the purchase price of the product; wherein the second message is transmitted to the first network device and includes information identifying the product to be purchased, the purchase price of the product, and the selected second form of payment; wherein the third network device is further configured to transmit an authorization of the financial institute for the seller to proceed with delivery of the identified product to the purchaser, responsive to the transmitted first message.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Nguyen (FIG. 21A; FIG. 22; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1B; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 22; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) would have

been selected in accordance with “A system for conducting cashless transactions over [sic] network, comprising: a first network device representing a seller configured to transmit information identifying a product available for purchase, a purchase price of the product, and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment; a second network device representing a purchaser configured to receive the transmitted information, to select one of the plurality of payment options, and to transmit a first message only if the first form of payment is selected as the one payment option and a second message only if the second form of payment is selected as the one payment option; and a third network device representing a financial institute; wherein the first message is transmitted to the third network device and includes information identifying the product to be purchased and the purchase price of the product; wherein the second message is transmitted to the first network device and includes information identifying the product to be purchased, the purchase price of the product, and the selected second form of payment; wherein the third network device is further configured to transmit an authorization of the financial institute for the seller to proceed with delivery of the identified product to the purchaser, responsive to the transmitted first message. . . .” because such selection would have provided means for “*transmission of data . . . between a plurality of computer systems over a public communication system, such as the Internet.*” (See Nguyen (the ABSTRACT)).

As per claim 34, Nguyen in view of Rosen'518 shows the method of claim 31.

(See the rejection of claim 31 supra).

Nguyen (col. 2, ll. 56-67; FIG. 22; FIG. 21A; FIG. 47; FIG. 54; FIG. 64; FIG. 67; FIG. 1C; FIG. 2; FIG. 3; FIG. 4; FIG. 5A; FIG. 7A; FIG. 8; FIG. 9; FIG. 15A; FIG. 15B; FIG. 16; FIG. 17; FIG. 18A; FIG. 18C; FIG. 18E; FIG. 19; FIG. 20A; FIG. 20B; FIG. 27; FIG. 28; FIG. 33; FIG. 34; FIG. 35; FIG. 37; FIG. 40 FIG. 48; FIG. 49; FIG. 50; col. 65, ll. 19-67; col. 66, ll. 1-5; col. 75, ll. 39-67; col. 76, ll. 39-67; col. 77, ll. 13-57; col. 78, ll. 4-25; col. 82, ll. 60-67; col. 82, ll. 1-67; col. 83, ll. 1-67; col. 84, ll. 1-67; col. 85, ll. 1-67; col. 86, ll. 1-67; and col. 88, ll. 7-47) shows elements that suggest: "wherein the first form of payment is a transfer of funds on deposit in or credited to an account of the purchaser, the identity of the account is unknown to the seller; and the third network device is further configured to transmit an instruction to transfer the funds from the account to the seller in payment of the identified purchase price for the identified product."

Nguyen lacks an explicit recital of "the identity of the account is unknown to the seller. . . ."

Rosen'518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) discloses:

"Payment may be made in one of two alternative forms: by anonymous payment using a money module . . . or by authorization-based payment (requiring identification of the customer) using a credit card or debit card credential."

Rosen'518 proposes "anonymous" transaction modifications and debit card modifications that would have applied to the electronic commerce teachings of Nguyen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Rosen'518 to Nguyen, because it would have been obvious that the disclosure of Rosen'518 (col. 1, ll. 65-67; col. 2, ll. 1-3; and col. 19, ll. 40-49) which discloses: "*Payment may be made in one of two alternative forms: by anonymous payment using a money module. . . .*" would have been selected in accordance with "the identity of the account is unknown to the seller. . . ." and because such modifications would have provided "*a system which will allow customers to buy electronic merchandise or services on demand. . . .*" (See Rosen'518 (col. 1, ll. 60-63)).

(11) Response to Arguments

Appellant's Brief (page 16, lines 24-25; page 17, lines 1-25; page 18, lines 1-27; page 19, lines 1-24, and page 20, lines 1-12) alleges that the Applicant has been denied certain formal procedural matters of right, such as not having been afforded "DUE PROCESS IN THE EXAMINATION. . . ." and not having a "Clearly Defined Issue for Appeal. . . ." and having been denied a "Fair Hearing. . . ." and having been denied a "Right To Be Heard. . . ." This is not the case.

It is well established that “the Board will not hear or decide issues pertaining to . . . formal matters which are not properly before the Board. These formal matters should not be combined in appeals to the Board.” (See MPEP 706.01); furthermore, “Petition may be taken to the Commissioner . . . from any action or requirement of any examiner in the ex parte prosecution of an application . . . which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court. . . .” (See 37 CFR 1.181 Petition to the Commissioner and also see MPEP 1002).

In this case, the file wrapper indicates the instances of due process in examination and procedural hearings of Applicant's evidentiary offerings. Notwithstanding the file wrapper entries, “[t]hese formal matters should not be combined in appeals to the Board.” (See MPEP 706.01).

Appellant's Brief (page 21, lines 8-17) alleges that the Applicant has been denied the formal procedural matters of establishment of “a clear issue . . . and ill-considered final rejections. . . .”

It is well established that “the Board will not hear or decide issues pertaining to . . . formal matters which are not properly before the Board. These formal matters should not be combined in appeals to the Board.” (See MPEP 706.01); furthermore, “Petition may be taken to the Commissioner . . . from any

action or requirement of any examiner in the ex parte prosecution of an application . . . which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court. . . .” (See 37 CFR 1.181 Petition to the Commissioner ; see MPEP 1002; see MPEP 706.07(c) and (b)).

In this case, the file wrapper indicates the instances of establishment of clear issues of patentability and consideration of Applicant's evidentiary offerings and rejection of the claimed invention. Notwithstanding the file wrapper entries, “[t]hese formal matters should not be combined in appeals to the Board.” (See MPEP 706.01).

Appellant's Brief (page 20, lines 13-26; page 21, lines 1-7; page 21, lines 18-27; page 22, lines 1-17; page 23, lines 1-1-27; page 24, lines 1-27; page 25, lines 1-27; page 26, lines 1-26; page 27, lines 1-27; page 28, lines 1-26; page 29, lines 1-24 and page 36, lines 15-26; page 37, lines 1-27; page 38, lines 1-26; page 39, lines 1-27; page 40, lines 1-27; page 41, lines 1-24; page 42, lines 1-27; page 43, lines 1-27; page 44, lines 1-27; page 45, lines 1-27; and page 46, lines 1-23) alleges that the “THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE” of obviousness and “THE APPLIED REFERENCES FAIL TO SUGGEST THE CLAIMED INVENTION.”

It is well established that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested in the broadest interpretation to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the obviousness rejections in the prior Office Action relied upon what would have been suggested in the broadest interpretation to those of ordinary skill in the art. Therefore, prima facie obviousness was established in the prior Office Action.

Appellant's Brief (page 24, lines 20-25) suggests that in the prior Office Action, the modification of the Nguyen reference combined with the motivation found in the Rosen reference would render the Nguyen reference unsuitable for its intended purpose.

It is well established in the law that "[i]f the proposed modification or combination of the prior art would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). . . ." (see MPEP 2143.01).

In this case, Nguyen shows more than just one example of operation where the identity of the purchaser is unknown; for example, Nguyen (col. 1, ll. 65-67; and col. 2, ll. 1-36) shows electronic funds transactions where the identity of the purchaser account is not unknown.

Therefore, in response to arguments in Appellant's Brief that combining Rosen with Nguyen for the purpose of modifying Nguyen the two references would render the Nguyen reference unsuitable for its intended purpose; neither reference would change the principles operation of the other because from "In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). . . . combination of the references would . . . [NOT] require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate. 270 F.2d at 813, 123 USPQ at 352.). . . ." (See MPEP 2143.01). In other words, the teachings of Nguyen would not be inoperable for its intended purpose by conducting electronic funds transactions with the identity of the purchaser either disclosed or unknown. (See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) and (See MPEP 2143.01).

Appellant's Brief (page 25, lines 23-27; page 27, lines 3-14; page 30, lines 1-27; page 31, lines 1-27; page 32, lines 1-26; page 33, lines 1-27; page 34, lines 1-26;

page 35, lines 1-27; and page 36, lines 1-14) alleges that the prior Office Action “[fails] to provide any reasonable rational as to how one could modify Nguyen with the teachings of Rosen. . . .”

It is well established that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the prior Office Action relies upon modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Therefore, the prior Office Action provided “rational as to how one could modify Nguyen with the teachings of Rosen. . . .”

Appellant's Brief (page 26, lines 1-27; and page 47, lines 1-25) alleges that the obviousness rejections in the prior Office Action are based on improper hindsight reconstruction.

It is well established that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In this case, in the prior Office Action, the reconstruction based upon hindsight reasoning only took into account "knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper." *Id.*

Appellant's Brief throughout alleges that the prior Office Action admits that the primary reference does not teach elements of the instant invention. (For example, see Appellant's Brief page 31, lines 24-25). This is not the case. Terminology such as "lacks an explicit recital. . . ." is merely the transition phraseology to the factual inquires set forth in *Graham v. John Deer Co.*, 383 U.S. 1, 86 S. Ct. 684, 15 L.Ed. 2d 545 (1966), 148 USPQ 459 and the 35 USC §103(a) Obviousness proposition that the reference suggests the claimed elements and limitations of the instant invention.

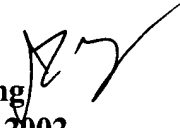
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(12) *Examiner's Answer, Conclusion*


For all of the reasons stated above, Appellant's brief fails to overcome the
35 U.S.C. §103 rejections of claims 1-31 & 34. For the above reasons, the
rejections should be sustained.

Respectfully, presented,

John L. Young 
November 4, 2002

JLY 11/4/2002 (conf.)

SG (conf.) SG (Steve Gravini)

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